IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTIION

Writ Petition No. 7552 of 2003

Bhima Martand Borhade
deceased through his legal heirs
1A Madhuri Bhima Borhade
and others ..Petitioners

vs

1. Yashoda Martand Borhade
deceased through her legal
heirs
1A.Mahadeo Martand Borhade
and another ..Respondents

Shri R.N.Sanghavi for petitioners.
Shri Vishal Thadani i/b Smt.Veena B.Thadani for respondents.

CORAM: S.C.DHARMADHIKARI J.
30th **NOVEMBER, 2007**

P.C.

1. Writ Petition was pending in this Court. The parties have appeared before me and stated that they wish to tender the consent terms. Firstly, it is prayed that respondent no.1A has expired and his name be deleted as respondent no.1A.

2. It is stated before me that the petitioner no.1A who has been appearing on behalf of herself and as guardian of two minor children, namely petitioner nos.1B and 1C have resolved their dispute with respondent no.1B Suresh Martand

Borhade in respect of CL III licence no.40. The petitioners state that respondent no.1B has paid to her a sum of Rs.5,00,000/- which she has accepted on behalf of herself and her minor children in full and final settlement of all her claims. She has stated that she being the natural mother and guardian and entire settlement being in the interest of the minor as well as herself, she has further decided to relinquish all her right, title and interest in the said licence and the business of retail sale of country liquor carried on in the premises more particularly described in clause 2 of the consent terms. She has given her irrevocable consent to all the licences being transferred in the name of respondent no.1B and has stated that she will have no objection if the business is carried on by him exclusively by inducting any other partner. Necessary declarations have also been given by her along with the indemnity so also undertaking.

3. Shri Sanghavi appears for the petitioner. He states that petitioner no.1A is present in Court. Although she cannot speak fluently in English and read as well she can write and sign the terms in

English. She nor does understand Marathi and the terms have been read over, interpreted and duly explained to her. She has confirmed each of them. The terms have been explained to her in Marathi. She understands the implications and consequences of the terms. She is present in Court and she states that she has no objection if the order is passed after the consent terms are taken on record by this Court.

4. The consent terms are signed by her and she confirms the signature below the terms. The consent terms taken on record and marked "X" for identification. Undertakings contained in clauses 3, 11, 12 and 13 are accepted. Needless to state that the consent terms resolve the disputes between the parties only with regard to country liquor licence no.40 and business carried on in pursuance thereof. The petition is disposed of.

(S.C.DHARMADHIKARI J.)